

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11 LAWRENCE ANTHONY PAUL, JR., } Civil No. 12-CV-02046-AJB-BGS
12 Plaintiff, } ORDER:
13 v. }
14 CAROLYN W. COLVIN, Acting }
15 Commissioner of Social Security, }
16 Defendants. }
17 } 1) ADOPTING REPORT AND
18 } RECOMMENDATION, [Doc. No.
19 } 25];
20 } 2) DENYING PLAINTIFF'S
} MOTION FOR SUMMARY
} JUDGMENT, (Doc. No. 17);
} 3) GRANTING DEFENDANT'S
} CROSS-MOTION FOR SUMMARY
} JUDGMENT, [Doc. No. 18]; AND
} 4) AFFIRMING THE ALJ'S
} DECISION, [Doc. No. 18].

21 Pending before the Court Plaintiff's Motion for Summary Judgment, (Doc. No. 17)
22 . (Doc. No. 19) and Defendant's Cross-Motion for Summary Judgment (Doc. No. 18.) The
23 Court referred the matter to Magistrate Bernard G. Skomal.

24 On August 20, 2012, Plaintiff filed a complaint pursuant to the Social Security Act,
25 42 U.S.C. § 405(g), challenging the Commissioner of the Social Security Administration's
26 denial of disability benefits. (Doc. No. 1). On November 5, 2012 the Commissioner filed an
27 answer. (Doc. No. 7, 2013). On March 7, 2013, Plaintiff filed a Motion for Summary
28 Judgment requesting reversal of the Administrative Law Judge's ("ALJ") final decision.

1 (Doc. No. 17.) Magistrate Judge Skomal's R&R recommends this Court deny Plaintiff's
 2 Motion for Summary Judgement, grant Defendant's Cross-Motion for Summary Judgment,
 3 and affirm the ALJ's decision. (Doc. No. 25). The parties were instructed to file written
 4 objections to the R&R no later than October 1, 2013, and replies no later than October 8,
 5 2013. (*Id.* at 23.) As of the date of this order, neither party has filed an objection to the
 6 R&R.

7 Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district
 8 judge's duties in connection with a magistrate judge's report and recommendation. The
 9 district judge must "make a *de novo* determination of those portions of the report to which
 10 objection is made," and "may accept, reject, or modify, in whole or in part, the finding or
 11 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *see also United*
 12 *States v. Remsing*, 874 F.2d 614, 617 (9th Cir. 1989). However, in the absence of timely
 13 objection(s), the Court "need only satisfy itself that there is no clear error on the face of the
 14 record in order to accept the recommendation." Fed. R. Civ. P. 72(b), Advisory Committee
 15 Notes (1983); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

16 Here despite being represented by counsel, Plaintiff has failed to file timely objections
 17 to the R&R. Having reviewed the R&R, the Court finds that Magistrate Judge Skomal's
 18 R&R is thorough, well reasoned, and contains no clear error. Accordingly, the Court hereby:
 19 (1) **ADOPTS** Magistrate Judge Skomal's Report and Recommendation in its entirety; (2)
 20 **DENIES** Plaintiff's Motion for Summary Judgment; (3) **GRANTS** Defendant's Motion for
 21 Summary Judgment; and (4) **AFFIRMS** the ALJ's decision. The Clerk of Court is directed
 22 to close the case.

23 IT IS SO ORDERED.

24
 25 DATED: October 25, 2013

26 
 27 Hon. Anthony J. Battaglia
 U.S. District Judge